

III. REMARKS

1. Claims 1, 3, 11 and 13 are amended to delete the term "essentially" as suggested by the Examiner. The change does not further limit or narrow the scope of the claims and is not made for reasons related to patentability.

2. The abstract is amended.

3. Claims 1, 3-5, 11 and 13-14 are not unpatentable over Quist in view of Kim under 35 U.S.C. §103(a).

Applicant recites in claim 1 a switching aperture in the wiring board at least partly at the location of the switching means through which aperture the switching means is arranged to be switched to the second position. This is not disclosed or suggested by Quist in view of Kim.

Quist presents an apparatus for measuring the output power of an RF transmitter stage connected to an antenna via a quarter wavelength stripline. A manual probe is applied to connect the output of the transmitter stage to a power meter and to connect the output end of the stripline to ground.

Quist does not disclose or suggest an aperture in the wiring board (printed circuit board). Rather in Quist, it is only the housing 14 that has an aperture 18. (Abstract, lines 9-10). The holes 82 and 86 in Quist are merely via holes. (FIG. 3) The via holes are only for positioning and contact. (Col. 3, lines 20-23). This is not the same as Applicant's invention where it is "through [the] aperture" that the switching means is arranged to be switched to the second position. The "switching" action in Quist is much different than in Applicant's invention". Also, the other end of the stripline 38 is connected via the conductive

pad 122 and the via hole 82-3 to the ground pin unit 62-3 which is connected to the outer conductor 56 of the probe 20 and hence via the ground pin units 62-1 and 62-2 to the conductive ground planes 90 and 112, thereby in effect acting as the switch 50 (FIG. 2) to connect the output end of the stripline 38 to ground. (Col. 3, lines 30-37).

Kim, in combination with Quist, does not disclose or suggest at least this feature of Applicant's invention, and does not overcome the deficiency of Quist.

Kim presents an antenna system for radio-telephones and other electronic devices including a first impedance matching circuit that electrically connects to a retractable antenna via a feed terminal when the retractable antenna is in an extended position and a second impedance matching circuit that electrically connects to the retractable antenna via the same feed terminal when the retractable antenna is in a retracted position. Kim relates to a different problem from the present invention.

Kim merely discloses a switch that opens and closes in response to detected positions of a retractable antenna. (Abstract, lines 8-10). This is not the same as Applicant's invention.

Thus, Quist in view of Kim does not disclose or suggest Applicant's invention, and claims 1, 3, 4, 5, 11, 13 and 14 should be allowable.

4. Claims 2 and 12 are not unpatentable over Quist and Kim in view of Philips under 35 U.S.C. §103(a).

Claims 2 and 12 should be allowable at least by reason of their respective dependencies, for the reasons stated above.

Furthermore, Philips does not relate to Applicant's invention, and is not combinable with Quist and Kim for purposes of 35 U.S.C. §103(a).

Philips presents an improved SIM card reader with at least one reader data contact that is connected, typically through a control unit, to a memory, through which reader data contact predetermined software update data may be transmitted for storage in the memory of a mobile telecommunication device.

Philips merely relates to a SIM card reader and makes no mention of measuring RF signals as in Applicant's invention. Thus, there is at least, no motivation as required under 35 U.S.C. §103(a), to combine the cited references.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. §2142).

Applicants submit that there is no suggestion or motivation to modify the references as proposed by the Examiner. The Examiner's proposition that Applicants' invention would be obvious as recited in the claims is not supported by the factual contents of Quist, Kim and Philips. The references themselves and/or the knowledge generally available to one of skill in the art does not provide the requisite motivation or suggestion to modify the references as proposed for purposes of 35 U.S.C. §103(a). When "the PTO asserts that there is an explicit or

implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). Quist measures output power of an RF transmitter stage. Kim is an antenna system for radio-telephones. Philips is related to a SIM card reader and updating a memory. Philips has nothing to do with measuring RF power as in Applicant's invention. The Examiner is requested to provide an indication as to where any such teaching, suggestion or motivation to combine appears in the reference. Absent such a teaching, it is submitted that a *prima facie* case of obviousness over Quist, Kim and Philips under 35 U.S.C. §103(a) is not established.

Furthermore, the Applicants respectfully note that Quist, Kim and Philips have been combined improperly. References may be combined under 35 U.S.C. §103(a) only if the references are analogous art. In this case Quist, Kim and Philips are not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's, or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant was concerned.

Applicant's invention is directed to measuring a radio frequency signal in a wireless station. Quist measures output power of an RF transmitter stage while Kim is directed to antenna system for a radio telephone. However, Philips is directed to a SIM card reader and updating memory and software. Philips does not relate to the problems addressed by Applicant's invention and is not in the same field of endeavor.

Thus, Quist, Kim and Philips are not analogous art, and cannot be combined for purposes of 35 U.S.C. §103(a). Therefore, claims 2 and 12 should be allowable.

5. Claims 6, 8 and 15 are not unpatentable over Quist, Kim and Marvet et al. ("Marvet") under 35 U.S.C. §103(a). These claims should also be allowable at least by reason of their respective dependencies, as noted above.

Furthermore, Marvet is not combinable with Quist and Kim for purposes of 35 U.S.C. §103(a). There is no motivation to combine Marvet with Quist and Kim, and Marvet is non-analogous art.

Marvet presents a switch assembly including a housing with a pair of spring finger contacts and a circuit board. The switch assembly provides for a compact surface mountable switch which is capable of switching RF signals between a radio antenna and an external accessory connector while minimizing electrical signal path lengths and moving parts in the switch assembly. The Examiner argues that Marvet discloses testing card and means for coupling the testing card to the wireless station.

However, Marvet does not disclose a testing card as claimed by Applicant. The reference 100 is a switch assembly. (Col. 1, lines 50-58). It is not a testing card as is described and claimed by Applicants. Thus, claims 6, 8 and 15 should be allowable.

6. Claims 7, 9, 10, 16, 17, 18 and 19 are not unpatentable over Quist, Kim, Marvet and Philips under 35 U.S.C. §103(a).

These claims should be allowable by reason of their respective dependencies.

Furthermore, for reasons previously stated, there is simply no motivation, for purposes of 35 U.S.C. §103(a), to combine the references as suggested. Also, at least Marvet and Philips are non-analogous art. Thus, at least Marvet and Philips cannot be combined with Quist and Kim, for purposes of 35 U.S.C. §103(a), to obviate Applicant's invention.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$18 is enclosed for an additional claim fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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29 April 2004
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